

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

:

IN THE MATTER OF THE : **CRIM. NO. 5:08-MJ-00109**
EXTRADITION OF :
MARY BETH HARSHBARGER : **(MANNION, M.J.)**
:

ORDER

On March 9, 2009, Mary Beth Harshbarger filed a motion titled "Emergency Motion to Stay Certification and Order of Commitment." (Doc. No. 21.) The Government has not concurred in this motion. (Doc. No. 21.) The Court, in an order dated March 9, 2009 (Doc. No. 22) incorrectly characterized the motion as the functional equivalent of a motion for reconsideration under Rule 60(b). This characterization was incorrect, and hence, the order filed on March 9, 2009 is withdrawn. (Doc. No. 22).

After further review, the court notes that the plaintiff has failed to supply a brief in support of her motion for an emergency stay. While the local rules contemplate a 10 day period for submission of a brief in support of a motion¹, because Harshbarger's motion will become effectively moot on Friday, March 13, 2009, when under the terms of this Court's prior order, she must surrender herself, it is **HEREBY ORDERED THAT:**

1) the plaintiff shall file a brief, with citations to legal authority, caselaw and/or statutes, supporting her request for a stay of Certification to the

¹See MDPA Local Rule 7.5

Secretary of State and delay in the order of commitment, in extradition proceedings;

2) the Government shall file a brief, with citations to legal authority, caselaw and/or statutes setting forth their position with respect to the above mentioned motion; and,

3) both briefs are to be file with the court on or before 5:00 p.m. on Wednesday, March 11, 2009.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States Magistrate Judge

DATE: March 10, 2009

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